

114CSR78

**EMERGENCY RULE
OFFICES OF THE INSURANCE COMMISSIONER**

**SERIES 78
INDIVIDUAL LIMITED HEALTH BENEFITS PLANS**

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§114-78-1. General.

1.1. Scope. -- The purpose of this emergency rule is to establish requirements for information and data to be provided with the filing of rates and rate adjustments and forms for individual limited health benefit plans, to establish minimum benefits for such plans and to define eligibility for individuals to obtain coverage under the plans.

1.2. Authority. -- W. Va. Code §§33-2-10 and 33-15D-7.

1.3. Filing Date. -- August 10, 2006.

1.4. Effective Date. --

§114-78-2. Applicability.

2.1. This rule applies to all individual limited health benefit plans issued pursuant to article fifteen-d, chapter thirty-three of the West Virginia Code and to all insurers offering such plans as of the effective date of this rule.

§114-78-3. Rate Filing.

3.1. All of the provisions of 114CSR26 apply to individual limited benefit plans except 114CSR26-1.

§114-78-4. Form Filing.

4.1. All of the provisions of 114CSR67 apply to individual limited benefits plans.

§114-78-5. Eligibility.

5.1. An insurer issuing limited benefit individual health insurance policies shall, as part of the application process require the applicant to provide evidence of eligibility in a form satisfactory to the Insurance Commissioner and it shall retain the evidence of eligibility during the entire time the policy remains in effect.

5.2 An individual limited health benefits plan may only be offered to an adult between the ages of eighteen and sixty-four, inclusive, who:

a. Has not had a health benefit plan covering him or her for at least the prior twelve consecutive months: Provided, That such a plan may not be offered to an employee of an employer that offers a health benefits plan to its employees unless that employee does not qualify for coverage under such employer plan; or

b. Has lost coverage due to a qualifying event. A qualifying event shall include loss of coverage due to: (i) emancipation and resultant loss of coverage under a parent's or guardian's plan; (ii) divorce and loss of coverage under the former spouse's plan; (iii) termination of employment and resultant loss of coverage under an employer group plan except for loss of employment for gross misconduct; or (iv) involuntary termination of coverage under a group health benefit plan except for termination due to nonpayment of premiums or fraud by the insured.

5.3. Every individual limited health benefits plan may limit eligibility on the basis of health status and an individual who has been treated for a health condition in the prior twelve months may have that condition excluded from coverage for the first twelve months of the policy term.

§114-78-6. Benefits.

6.1. Every policy issued hereunder shall have an annual maximum benefit of at least three thousand dollars per covered person. The annual maximum benefit may hereafter be changed by order of the Insurance Commissioner.

6.2. Every policy issued hereunder shall provide benefits for at least the following services:

- a. Emergency care.
- b. Hospital benefits, including physician services while in the hospital.
- c. Outpatient benefits, including lab and diagnostics.
- d. Preventive care benefits.
- e. Primary care benefits.

6.3. Every policy that does not cover prescription benefits as part of its basic coverage shall offer prescription benefits coverage as an option.

§114-78-7. Penalties and Enforcement.

7.1. Insurers issuing policies hereunder shall be subject to the examination and

investigation powers of the Insurance Commissioner set forth in article two, chapter thirty-three of the West Virginia Code, and the enforcement provisions of W. Va. Code §33-2-11. Insurers issuing policies hereunder shall be subject to the provisions of article eleven, chapter thirty-three of the West Virginia Code.

§114-78-8. Severability.

8.1. If any provision of this rule or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of the provision to other persons or circumstances shall not be affected.